

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant	:	Baker et al.		
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Commissioner for Patents
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APPEAL BRIEF

This Appeal Brief is in furtherance of the Notice of Appeal filed on June 19, 2008 and the Notice of Panel Decision from Pre-Appeal Brief Review mailed July 21, 2008. The Appeal Brief contains the following sections in the order set forth below:

- I. REAL PARTY IN INTEREST
- II. RELATED APPEALS AND INTERFERENCES
- III. STATUS OF CLAIMS
- IV. STATUS OF AMENDMENTS
- V. SUMMARY OF THE CLAIMED SUBJECT MATTER
- VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
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- VIII. CLAIMS APPENDIX
- IX. EVIDENCE APPENDIX
- X. RELATED PROCEEDINGS APPENDIX

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is STUBHUB, INC., as the Assignee of record.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect, or be affected by, or have a bearing on the decision of the Board in the pending appeal.

III. STATUS OF CLAIMS

Claims originally filed: 1-35

Claims canceled: None

Claims withdrawn from consideration: None

Claims allowed: None

Claims objected to: None

Claims rejected: 1-35

Claims on appeal: 1-35

IV. STATUS OF AMENDMENTS

The Response and Request for Reconsideration filed on June 19, 2008, subsequent to the Final Rejection, has been entered.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The following is a concise explanation of the subject matter defined in each of independent claims 1, 13 and 21 involved in the appeal, referring to the specification by page and line number, and to the drawings by reference characters.

Support for the claimed subject matter defined in independent claim 1 is found at least in the portions of the specification and drawings as follows.

Claim 1	Specification and Drawings
A system for providing logistics for a sale of one or more goods,	<p>Various embodiments are directed to a system and method for providing logistics for the sale and purchase of goods, such as event tickets. In one embodiment, the system and method are implemented on a global communications or computer network. Particularly, the system and method may comprise a "Web site," that may be implemented by at least one computer system or network (e.g., a plurality of cooperatively linked computers) that is operatively and communicatively coupled to a global computer network (e.g., the Internet) and that may be selectively and remotely accessed by users of the network. Page 9, lines 11-17.</p> <p>FIG. 1 shows a system 10 which is implemented on a global communications or computer network 20 (e.g., the Internet). System 10 may represent a conventional and commercially available computer system or an independent microprocessor-based system built specifically for use with the present invention. Page 10, lines 3-6 and FIG. 1.</p>
the system being adapted to receive information from at least one remote seller and at least one remote buyer,	<p>In functional block or step 32, system 10 receives information from sellers regarding the identity of the sellers, and a description and location of the goods that the sellers desire to sell. In one embodiment, data can be communicated over a global computer network 20 by prospective sellers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. Page 11, line 20 - Page 12, line 2 and FIGS. 1 and 2.</p>

	<p>FIGS. 6-14 illustrate some examples of queries and interactive "pages" (i.e., Web pages where users may view and enter data by use of conventional browsing software) that may be presented by system 10 in order to gather information from prospective sellers of event tickets. Page 12, lines 3 - 6 and FIGS. 6-14.</p> <p>Referring back to FIG. 2, the system 10 proceeds with the methodology 30 by receiving a purchase request and information from the buyer, as shown in functional block or step 36. Particularly, when a buyer desires to purchase any of the presented goods, system 10 accepts the purchase request, and queries the buyer for information (e.g., name, address, city, state, zip code, and other buyer attribute data). Page 22, lines 3 – 7 and FIGS. 1 and 2.</p> <p>In one embodiment, the following series of pages may be used: a seat selection page that allows a user to select which of the seats the user desires to purchase; a delivery location options page that allows a user to enter a desired location for delivery (e.g., the user's home and/or work address, or will call); a delivery method options page that allows a user to select between various shipping options (e.g., conventional land/air courier, express courier, local courier or runner, overnight delivery, second day delivery, same day delivery); a payment options page that displays the total cost (e.g., ticket and delivery cost) and allows a user to select a method of payment (e.g., the type and number of a credit or debit card); and a confirmation page that allows a user to view a summary of the foregoing information, including a description of the tickets, delivery method, delivery location, payment amount, and method of payment. Page 22, line 19 – Page 23, line 8 and FIGS. 1 and 2.</p>
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to present a seller interface for receiving information from the seller comprising a seller identity and a description of the one or more goods,

FIGS. 6-14 illustrate some examples of queries and interactive "pages" (i.e., Web pages where users may view and enter data by use of conventional browsing software) that may be presented by system 10 in order to gather information from prospective sellers of event tickets. **Page 12, lines 3 - 6 and FIGS. 6-14.**

In step 504, system 10 receives information from the provider (e.g., the ticket holder). The information may include: (i) the identity of the provider, (ii) a description and/or location of the tickets that the provider desires to sell, auction or otherwise transfer, (iii) the method of selling the goods (e.g., conventional sale, auction or raffle), and (iv) the identity of the charitable or nonprofit entity that will receive at least some of the proceeds resulting from the transfer. In one embodiment, data can be communicated over a global computer network 20 by prospective providers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. The interface screens for receiving this information from the provider may be substantially similar to those shown in FIGS. 6-14 and described above. **Page 37, line 18 – Page 38, line 5 and FIG. 20.**

In functional block or step 32, system 10 receives information from sellers regarding the identity of the sellers, and a description and location of the goods that the sellers desire to sell. In one embodiment, data can be communicated over a global computer network 20 by prospective sellers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. **Page 11, line 20 - Page 12, line 2 and FIGS. 1 and 2.**

<p>to present the buyer with the description of the one or more goods while maintaining the seller identity confidential from the buyer,</p>	<p>A method for providing logistics for a sale of goods is provided. The method includes the steps of: receiving information from a seller, including a description of certain goods, a method of sale for the certain goods, and an identity of a charitable or nonprofit entity that will receive proceeds from the sale; presenting the description of the certain goods to a prospective buyer according to the method of sale; conducting the sale over a computer network; providing financial logistics, including collecting proceeds from the buyer and transferring at least a portion of the proceeds to the charitable or nonprofit entity; and providing shipping logistics, including arranging for transfer of the goods to the buyer. Page 7, lines 8-16 and FIGS. 15-19.</p> <p>In the embodiment shown in FIG. 6, a user can locate an event by the type of event, the city in which the event is held, or by the venue in which the event is to occur. When a user selects the appropriate type of event, city or venue, system 10 will further query the user to locate the event. For example, if a user selects "Sports," system 10 will present an interactive page illustrating a plurality of sports categories, such as baseball, football, hockey, soccer, and others. Page 14, lines 10-14 and FIGS. 6-14.</p> <p>Various embodiments provide a system and method that performs all of the financial and shipping logistics without requiring any interaction between the buyer and seller. The system and method may be implemented in a "double blind" manner to enable a third party (i.e., the operator of the system) to manage a transaction for the sale of goods between a seller and a remote buyer, including performing all necessary financial and shipping logistics, while maintaining the identity of the transacting</p>
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	<p>parties (i.e., buyer and seller) confidential from one another. Page 34, lines 1-7 and FIG. 5.</p>
<p>and to provide financial logistics and shipping logistics for completing the sale of goods, wherein:</p>	<p>A method for providing logistics for a sale of goods is provided. The method includes the steps of: receiving information from a seller, including a description of certain goods, a method of sale for the certain goods, and an identity of a charitable or nonprofit entity that will receive proceeds from the sale; presenting the description of the certain goods to a prospective buyer according to the method of sale; conducting the sale over a computer network; providing financial logistics, including collecting proceeds from the buyer and transferring at least a portion of the proceeds to the charitable or nonprofit entity; and providing shipping logistics, including arranging for transfer of the goods to the buyer. Page 7, lines 8-16 and FIGS. 15-19.</p> <p>Referring to FIG. 2, once the transaction has been confirmed by the buyer, system 10 proceeds with the methodology 30 by providing financial logistics, as shown in functional block or step 38, and by providing shipping logistics, as shown in functional block or step 40. It should be appreciated that while steps 38 and 40 are illustrated as occurring sequentially in flow diagram 30, portions of the steps 38 and 40 may be interspersed over the course of the entire sales transaction. Page 29, lines 1-7 and FIGS. 2-3.</p>
<p>the seller interface includes one or more options to donate at least a portion of funds received in exchange for the one or more goods;</p>	<p>Referring to FIG. 2, once the transaction has been confirmed by the buyer, system 10 proceeds with the methodology 30 by providing financial logistics, as shown in functional block or step 38, and by providing shipping logistics, as shown in functional block or step 40. It should be appreciated that while steps 38 and 40 are illustrated as occurring sequentially in flow diagram 30, portions of the steps 38 and 40</p>

	<p>may be interspersed over the course of the entire sales transaction. Page 6, lines 1-5.</p> <p>FIG. 20 illustrates a method 500 that may be used with system 10 in order to facilitate and provide logistics for a sale or transfer of goods (e.g., event tickets) with the associated proceeds being donated to a charitable or nonprofit entity. Page 37, lines 4-6 and FIG. 20.</p>
and the financial logistics include collecting funds from a financial service provider designated by the buyer,	<p>A system is disclosed for providing logistics for a sale of goods. The system is adapted to receive information from at least one remote seller and at least one remote buyer, and to provide financial logistics and shipping logistics for completing the sale of goods, wherein the financial logistics include collecting funds from the buyer and transferring at least a portion of the funds to a third party designated by the seller, without requiring interaction between the buyer and seller. Page 7, lines 1-7.</p> <p>As illustrated by block 102, system 10 controls and/or facilitates the entire sale and purchase process, and serves as an intermediary between the buyer and seller, such that the buyer and seller have no direct interaction (e.g., the identity of the parties can remain concealed from one another). In one embodiment, system 10 is electronically integrated with systems of financial service providers and couriers, which operate in a cooperative manner with system 10 to provide financial and shipping logistics. Page 35, line 22 – Page 36, line 5 and FIG. 5.</p>
deducting a fee for use of the system from the funds,	<p>Flow diagram 50 of FIG. 3 illustrates an example of a method of providing payment processing or financial logistics. Briefly, methodology 50 is executed as follows: the system 10 authorizes the sale amount on the buyer's credit card in functional block or step 52; notifies the seller of the proposed purchase and receives seller</p>

	confirmation in functional block or step 54; charges the buyer's credit card in functional block or step 56; collects funds from the credit card transaction in functional block or step 58; and deducts a fee and transfers the remaining amount of the sale to the seller in functional block or step 60. Page 29, lines 11-19 and FIG. 3.
and transferring the portion of the funds for donation according to an option selection of the seller to a third party designated by the seller,	<p>A system is disclosed for providing logistics for a sale of goods. The system is adapted to receive information from at least one remote seller and at least one remote buyer, and to provide financial logistics and shipping logistics for completing the sale of goods, wherein the financial logistics include collecting funds from the buyer and transferring at least a portion of the funds to a third party designated by the seller, without requiring interaction between the buyer and seller. Page 7, lines 1-7.</p> <p>Alternatively, the seller may choose to have the proceeds of the sale donated to a third party, such as a charity or nonprofit entity. Page 21, lines 16-19.</p> <p>FIG. 20 illustrates a method 500 that may be used with system 10 in order to facilitate and provide logistics for a sale or transfer of goods (e.g., event tickets) with the associated proceeds being donated to a charitable or nonprofit entity. Page 37, lines 4-6 and FIG. 20.</p>
without requiring interaction between the buyer and seller.	The system is adapted to receive information from at least one remote seller and at least one remote buyer, and to provide financial logistics and shipping logistics for completing the sale of goods, wherein the financial logistics include collecting funds from the buyer and transferring at least a portion of the funds to a third party designated by the seller, without requiring interaction between the buyer and seller. Page 7, lines 1-7.

	<p>Various embodiments provide a system and method that performs all of the financial and shipping logistics without requiring any interaction between the buyer and seller. The system and method may be implemented in a "double blind" manner to enable a third party (i.e., the operator of the system) to manage a transaction for the sale of goods between a seller and a remote buyer, including performing all necessary financial and shipping logistics, while maintaining the identity of the transacting parties (i.e., buyer and seller) confidential from one another. Page 34, lines 1-7 and FIG. 5.</p>
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Support for the claimed subject matter defined in independent claim 13 is found at least in the portions of the specification and drawings as follows.

Claim 13	Specification and Figures
<p>A method for providing logistics for a sale of one or more goods comprising the steps of:</p>	<p>A method for providing logistics for a sale of goods is provided. The method includes the steps of: receiving information from a seller, including a description of certain goods, a method of sale for the certain goods, and an identity of a charitable or nonprofit entity that will receive proceeds from the sale; presenting the description of the certain goods to a prospective buyer according to the method of sale; conducting the sale over a computer network; providing financial logistics, including collecting proceeds from the buyer and transferring at least a portion of the proceeds to the charitable or nonprofit entity; and providing shipping logistics, including arranging for transfer of the goods to the buyer. Page 7, lines 8-16.</p> <p>Various embodiments provide a system and method for providing logistics for the sale, purchase and transfer of goods, such as event tickets. Page 10, lines 16-19.</p>

<p>providing a seller with one or more options for donating proceeds from the sale;</p>	<p>Referring to FIG. 2, once the transaction has been confirmed by the buyer, system 10 proceeds with the methodology 30 by providing financial logistics, as shown in functional block or step 38, and by providing shipping logistics, as shown in functional block or step 40. It should be appreciated that while steps 38 and 40 are illustrated as occurring sequentially in flow diagram 30, portions of the steps 38 and 40 may be interspersed over the course of the entire sales transaction. Page 6, lines 1-5.</p> <p>FIG. 20 illustrates a method 500 that may be used with system 10 in order to facilitate and provide logistics for a sale or transfer of goods (e.g., event tickets) with the associated proceeds being donated to a charitable or nonprofit entity. Page 37, lines 4-6 and FIG. 20.</p>
<p>receiving information from the seller, including a description of certain goods, a method of sale for the certain goods, and an option selection including at least a portion of proceeds for donation and an identity of a third party that will receive proceeds from the sale;</p>	<p>FIGS. 6-14 illustrate some examples of queries and interactive "pages" (i.e., Web pages where users may view and enter data by use of conventional browsing software) that may be presented by system 10 in order to gather information from prospective sellers of event tickets. Page 12, lines 3 - 6 and FIGS. 6-14.</p> <p>In step 504, system 10 receives information from the provider (e.g., the ticket holder). The information may include: (i) the identity of the provider, (ii) a description and/or location of the tickets that the provider desires to sell, auction or otherwise transfer, (iii) the method of selling the goods (e.g., conventional sale, auction or raffle), and (iv) the identity of the charitable or nonprofit entity that will receive at least some of the proceeds resulting from the transfer. In one embodiment, data can be communicated over a global computer network 20 by prospective providers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate</p>

	<p>responses by use of a computer 22. The interface screens for receiving this information from the provider may be substantially similar to those shown in FIGS. 6-14 and described above. Page 37, line 18 – Page 38, line 5 and FIG. 20.</p> <p>In functional block or step 32, system 10 receives information from sellers regarding the identity of the sellers, and a description and location of the goods that the sellers desire to sell. In one embodiment, data can be communicated over a global computer network 20 by prospective sellers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. Page 11, line 20 - Page 12, line 2 and FIGS. 1 and 2.</p>
presenting the description of the certain goods to a prospective buyer according to the method of sale;	<p>A method for providing logistics for a sale of goods is provided. The method includes the steps of: receiving information from a seller, including a description of certain goods, a method of sale for the certain goods, and an identity of a charitable or nonprofit entity that will receive proceeds from the sale; presenting the description of the certain goods to a prospective buyer according to the method of sale; conducting the sale over a computer network; providing financial logistics, including collecting proceeds from the buyer and transferring at least a portion of the proceeds to the charitable or nonprofit entity; and providing shipping logistics, including arranging for transfer of the goods to the buyer. Page 7, lines 8-16 and FIGS. 15-19.</p> <p>In the embodiment shown in FIG. 6, a user can locate an event by the type of event, the city in which the event is held, or by the venue in which the event is to occur. When a user selects the appropriate type of event, city or venue, system 10 will further query the user to locate the event. For example, if</p>

	<p>a user selects "Sports," system 10 will present an interactive page illustrating a plurality of sports categories, such as baseball, football, hockey, soccer, and others. Page 14, lines 10-14 and FIGS. 6-14.</p> <p>Various embodiments provide a system and method that performs all of the financial and shipping logistics without requiring any interaction between the buyer and seller. The system and method may be implemented in a "double blind" manner to enable a third party (i.e., the operator of the system) to manage a transaction for the sale of goods between a seller and a remote buyer, including performing all necessary financial and shipping logistics, while maintaining the identity of the transacting parties (i.e., buyer and seller) confidential from one another. Page 34, lines 1-7 and FIG. 5.</p>
conducting the sale over a computer network;	<p>A method for providing logistics for a sale of goods is provided. The method includes the steps of: receiving information from a seller, including a description of certain goods, a method of sale for the certain goods, and an identity of a charitable or nonprofit entity that will receive proceeds from the sale; presenting the description of the certain goods to a prospective buyer according to the method of sale; conducting the sale over a computer network; providing financial logistics, including collecting proceeds from the buyer and transferring at least a portion of the proceeds to the charitable or nonprofit entity; and providing shipping logistics, including arranging for transfer of the goods to the buyer. Page 7, lines 8-16 and FIGS. 15-19.</p>
providing financial logistics, including collecting proceeds from a financial service provider designated by the buyer, deducting a fee for use of the system from the proceeds, and transferring the portion	<p>A system is disclosed for providing logistics for a sale of goods. The system is adapted to receive information from at least one remote seller and at least one remote buyer, and to provide financial logistics</p>

<p>of the proceeds for donation according to the option selection of the seller to the third party;</p>	<p>and shipping logistics for completing the sale of goods, wherein the financial logistics include collecting funds from the buyer and transferring at least a portion of the funds to a third party designated by the seller, without requiring interaction between the buyer and seller. Page 7, lines 1-7.</p> <p>As illustrated by block 102, system 10 controls and/or facilitates the entire sale and purchase process, and serves as an intermediary between the buyer and seller, such that the buyer and seller have no direct interaction (e.g., the identity of the parties can remain concealed from one another). In one embodiment, system 10 is electronically integrated with systems of financial service providers and couriers, which operate in a cooperative manner with system 10 to provide the previously described financial and shipping logistics. Page 35, line 22 – Page 36, line 5 and FIG. 5.</p> <p>Flow diagram 50 of FIG. 3 illustrates an example of a method of providing payment processing or financial logistics. Briefly, methodology 50 is executed as follows: the system 10 authorizes the sale amount on the buyer's credit card in functional block or step 52; notifies the seller of the proposed purchase and receives seller confirmation in functional block or step 54; charges the buyer's credit card in functional block or step 56; collects funds from the credit card transaction in functional block or step 58; and deducts a fee and transfers the remaining amount of the sale to the seller in functional block or step 60. Page 29, lines 11-19 and FIG. 3.</p> <p>A system is disclosed for providing logistics for a sale of goods. The system is adapted to receive information from at least one remote seller and at least one remote</p>
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	<p>buyer, and to provide financial logistics and shipping logistics for completing the sale of goods, wherein the financial logistics include collecting funds from the buyer and transferring at least a portion of the funds to a third party designated by the seller, without requiring interaction between the buyer and seller. Page 7, lines 1-7.</p> <p>Alternatively, the seller may choose to have the proceeds of the sale donated to a third party, such as a charity or nonprofit entity. Page 21, lines 16-19.</p> <p>FIG. 20 illustrates a method 500 that may be used with system 10 in order to facilitate and provide logistics for a sale or transfer of goods (e.g., event tickets) with the associated proceeds being donated to a charitable or nonprofit entity. Page 37, lines 4-6 and FIG. 20.</p>
<p>and providing shipping logistics, including arranging for transfer of the one or more goods to the buyer.</p>	<p>A method for providing logistics for a sale of goods is provided. The method includes the steps of: receiving information from a seller, including a description of certain goods, a method of sale for the certain goods, and an identity of a charitable or nonprofit entity that will receive proceeds from the sale; presenting the description of the certain goods to a prospective buyer according to the method of sale; conducting the sale over a computer network; providing financial logistics, including collecting proceeds from the buyer and transferring at least a portion of the proceeds to the charitable or nonprofit entity; and providing shipping logistics, including arranging for transfer of the goods to the buyer. Page 7, lines 8-16 and FIGS. 15-19.</p> <p>Generally, the method employed to provide the "double blind" logistics may include the following procedures: receiving information from a seller regarding certain</p>

	goods that the seller desires to sell; providing information to prospective buyers regarding the certain goods that are for sale; receiving a purchase request from a buyer for the certain goods; confirming the buyer's financial ability to complete the sale or to pay for the goods (e.g., authorizing the buyer's credit card); confirming with the seller that the certain goods are still available and that the sale can be completed; receiving payment from the buyer (e.g., charging the buyer's credit card); arranging for the certain goods to be transferred from the seller to the buyer; confirming that the certain goods have been received by the buyer; and providing payment to the seller, once receipt has been confirmed. Page 34, lines 8-18 and FIG. 4.
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Support for the claimed subject matter defined in independent claim 21 is found at least in the portions of the specification and drawings as follows.

Claim 21	Specification and Figures
A computerized method for conducting a raffle, comprising the steps of:	Various embodiments provide a method and system for conducting a raffle over a computer network, whereby the proceeds of the raffle may be donated to a third party, such as a charitable or nonprofit organization or institution. Page 6, lines 6-9.
receiving information from a first party comprising a description of one or more goods offered for raffle;	FIGS. 6-14 illustrate some examples of queries and interactive "pages" (i.e., Web pages where users may view and enter data by use of conventional browsing software) that may be presented by system 10 in order to gather information from prospective sellers of event tickets. Page 12, lines 3 - 6 and FIGS. 6-14. In step 504, system 10 receives information from the provider (e.g., the ticket holder). The information may include: (i) the identity of the provider, (ii) a description

	<p>and/or location of the tickets that the provider desires to sell, auction or otherwise transfer, (iii) the method of selling the goods (e.g., conventional sale, auction or raffle), and (iv) the identity of the charitable or nonprofit entity that will receive at least some of the proceeds resulting from the transfer. In one embodiment, data can be communicated over a global computer network 20 by prospective providers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. The interface screens for receiving this information from the provider may be substantially similar to those shown in FIGS. 6-14 and described above. Page 37, line 18 – Page 38, line 5 and FIG. 20.</p> <p>In functional block or step 32, system 10 receives information from sellers regarding the identity of the sellers, and a description and location of the goods that the sellers desire to sell. In one embodiment, data can be communicated over a global computer network 20 by prospective sellers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. Page 11, line 20 - Page 12, line 2 and FIGS. 1 and 2.</p>
<p>providing the first party with one or more options for donating proceeds from the raffle;</p>	<p>Referring to FIG. 2, once the transaction has been confirmed by the buyer, system 10 proceeds with the methodology 30 by providing financial logistics, as shown in functional block or step 38, and by providing shipping logistics, as shown in functional block or step 40. It should be appreciated that while steps 38 and 40 are illustrated as occurring sequentially in flow diagram 30, portions of the steps 38 and 40 may be interspersed over the course of the entire sales transaction. Page 6, lines 1-5.</p>

	FIG. 20 illustrates a method 500 that may be used with system 10 in order to facilitate and provide logistics for a sale or transfer of goods (e.g., event tickets) with the associated proceeds being donated to a charitable or nonprofit entity. Page 37, lines 4-6 and FIG. 20.
receiving an option selection from the first party;	In step 504, system 10 receives information from the provider (e.g., the ticket holder). The information may include: (i) the identity of the provider, (ii) a description and/or location of the tickets that the provider desires to sell, auction or otherwise transfer, (iii) the method of selling the goods (e.g., conventional sale, auction or raffle), and (iv) the identity of the charitable or nonprofit entity that will receive at least some of the proceeds resulting from the transfer. In one embodiment, data can be communicated over a global computer network 20 by prospective providers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. The interface screens for receiving this information from the provider may be substantially similar to those shown in FIGS. 6-14 and described above. Page 37, line 18 – Page 38, line 5 and FIG. 20.
receiving requests to purchase raffle tickets from a plurality of buyers over a computer network;	The methodology 30 is briefly executed as follows: the system 10 receives information from sellers in functional block or step 32; presents information regarding goods that are for sale to potential buyers in functional block or step 34; receives purchase requests and information from buyers in functional block or step 36; provides financial logistics in functional block or step 38; and provides shipping logistics in functional block or step 40. The function and/or operation of each of the foregoing steps is discussed below in more detail, along with non-limiting examples of how each of these steps would be implemented in a ticket sale transaction. Page 13, lines 5-12.

	<p>A method for conducting a raffle is provided. The method includes the steps of: receiving requests to purchase raffle tickets from a plurality of buyers over a computer network; receiving identification information from the plurality of buyers; creating a record of the plurality of buyers weighted according to the number of tickets purchased by each buyer; selecting a winner at random from the record; and notifying the winner. Page 7, lines 17-22.</p>
receiving identification information from the plurality of buyers;	<p>The methodology 30 is briefly executed as follows: the system 10 receives information from sellers in functional block or step 32; presents information regarding goods that are for sale to potential buyers in functional block or step 34; receives purchase requests and information from buyers in functional block or step 36; provides financial logistics in functional block or step 38; and provides shipping logistics in functional block or step 40. The function and/or operation of each of the foregoing steps is discussed below in more detail, along with non-limiting examples of how each of these steps would be implemented in a ticket sale transaction. Page 13, lines 5-12.</p> <p>A method for conducting a raffle is provided. The method includes the steps of: receiving requests to purchase raffle tickets from a plurality of buyers over a computer network; receiving identification information from the plurality of buyers; creating a record of the plurality of buyers weighted according to the number of tickets purchased by each buyer; selecting a winner at random from the record; and notifying the winner. Page 7, lines 17-22 and FIGS. 2-3, 5 and 15-20.</p>
creating a record of the plurality of buyers weighted according to the number of tickets purchased by each buyer;	<p>In the next step 720, the names (or identities) of the buyers are recorded (e.g., entered into a register or list) in a manner that is weighted according to the number of tickets purchased by each buyer. In one embodiment, each of the buyer names is</p>

	<p>entered into a spreadsheet in alphabetical order with each name having a number of entries equal to the number of tickets purchased by that buyer. For example, assume Buyer A purchased 10 tickets, Buyer B purchased 7 tickets, and Buyer C purchased 8 tickets. In the resulting spreadsheet, Buyer A would reside in rows 1-10; Buyer B would reside in rows 11-17; and Buyer C would reside in spots 17-25. In another embodiment, the buyers may simply be assigned numbers in a similar (e.g., sequential) manner according to the number of tickets they purchased. Page 41, lines 11-20 and FIG. 24.</p> <p>A method for conducting a raffle is provided. The method includes the steps of: receiving requests to purchase raffle tickets from a plurality of buyers over a computer network; receiving identification information from the plurality of buyers; creating a record of the plurality of buyers weighted according to the number of tickets purchased by each buyer; selecting a winner at random from the record; and notifying the winner. Page 7, lines 17-22 and FIGS. 2-3, 5 and 15-20.</p>
<p>selecting a winner at random from the record;</p>	<p>In step 730, a winner is selected at random with appropriate weighting given to each buyer based upon the number of tickets the buyer purchased. For instance, a conventional Monte Carlo algorithm may be used to generate a random or pseudorandom number between 1 and the total number of tickets sold (e.g., a number from 1 to 25 in the previous example). The buyer that is assigned to that number (e.g., the row corresponding to that number in the spreadsheet example) is declared the winner. It should be appreciated that conducting the selection in this manner will ensure that a buyer's chance of winning is proportionate to the number of tickets purchased by that buyer. Page 41, line 21 – Page 42, line 6 and FIG. 24.</p>

	<p>A method for conducting a raffle is provided. The method includes the steps of: receiving requests to purchase raffle tickets from a plurality of buyers over a computer network; receiving identification information from the plurality of buyers; creating a record of the plurality of buyers weighted according to the number of tickets purchased by each buyer; selecting a winner at random from the record; and notifying the winner. Page 7, lines 17-22 and FIGS. 2-3, 5 and 15-20.</p>
notifying the winner;	<p>A method for conducting a raffle is provided. The method includes the steps of: receiving requests to purchase raffle tickets from a plurality of buyers over a computer network; receiving identification information from the plurality of buyers; creating a record of the plurality of buyers weighted according to the number of tickets purchased by each buyer; selecting a winner at random from the record; and notifying the winner. Page 7, lines 17-22 and FIGS. 2-3, 5 and 15-20.</p>
and donating the proceeds from the raffle tickets to a third party in accordance with the option selection of the first party.	<p>A system is disclosed for providing logistics for a sale of goods. The system is adapted to receive information from at least one remote seller and at least one remote buyer, and to provide financial logistics and shipping logistics for completing the sale of goods, wherein the financial logistics include collecting funds from the buyer and transferring at least a portion of the funds to a third party designated by the seller, without requiring interaction between the buyer and seller. Page 7, lines 1-7.</p> <p>Alternatively, the seller may choose to have the proceeds of the sale donated to a third party, such as a charity or nonprofit entity. Page 21, lines 16-19.</p> <p>FIG. 20 illustrates a method 500 that may be used with system 10 in order to facilitate and provide logistics for a sale or transfer</p>

	of goods (e.g., event tickets) with the associated proceeds being donated to a charitable or nonprofit entity. Page 37, lines 4-6 and FIG. 20.
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VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-4, 6-7, 9-10, 12 and 13 are unpatentable under 35 U.S.C. § 103(a) over US 6,920,429 to Barni et al. (“Barni”) in view of US 2002/0133445 to Lessin (“Lessin”).

Whether claim 5 is unpatentable under 35 U.S.C. § 103(a) over Barni in view of Lessin and further in view of US 5,987,429 to Martizen et al. (“Maritzen”).

Whether claim 8 is unpatentable under 35 U.S.C. § 103(a) over Barni and Lessin and further in view of Salls.

Whether claims 11, 14-17 and 20 are unpatentable under 35 U.S.C. § 103(a) over Barni and Lessin and further in view of US 6,496,809 to Nakfoor (“Nakfoor”).

Whether claims 18 and 19 are unpatentable under 35 U.S.C. § 103(a) over Nakfoor and further in view of Maritzen.

Whether claims 21-22 and 29-32 are unpatentable under 35 U.S.C. § 103(a) over Salls in view of Lessin.

Whether claims 23-28 are unpatentable under 35 U.S.C. § 103(a) over Salls and Lessin and further in view of Nakfoor.

Whether claims 33-35 are unpatentable under 35 U.S.C. § 103(a) over Salls and Lessin and further in view of Petras.

VII. ARGUMENT

Claims 1-4, 6-7, 9-10, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Barni in view of Lessin.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Barni in view of Lessin and further in view of Maritzen.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Barni and Lessin and further in view of US 2002/0152130 to Salls (“Salls”).

Claims 11, 14-17 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Barni and Lessin and further in view of Nakfoor.

Claims 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakfoor and further in view of Maritzen.

Claims 21-22 and 29-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Salls in view of Lessin.

Claims 23-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Salls and Lessin and further in view of Nakfoor.

Claims 33-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Salls and Lessin and further in view of US 2002/0133445 to Petras, et al. (“Petras”).

Appellants respectfully traverse these rejections.

35 USC §103(a) Rejections

According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See e.g.*, MPEP 706.02(j) citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Independent Claims 1, 13, and 21

Appellants respectfully submit that the cited references fail to disclose, teach, or suggest each and every element recited in independent claims 1, 13, and 21.

Among its other elements, independent claim 1 recites:

the seller interface includes one or more options to donate at least a portion of funds received in exchange for the one or more goods; and

... transferring the portion of the funds for donation according to an option selection of the seller to a third party designated by the seller....

Among its other elements, independent claim 13 recites:

receiving information from the seller, including a description of certain goods, a method of sale for the

certain goods, and an option selection including at least a portion of proceeds for donation and an identity of a third party that will receive proceeds from the sale;...

...providing financial logistics, including collecting proceeds from a financial service provider designated by the buyer, deducting a fee for use of the system from the proceeds, and transferring the portion of the proceeds for donation according to the option selection of the seller to the third party...

Among its other elements, independent claim 21 recites:

...providing the first party with one or more options for donating proceeds from the raffle;

receiving an option selection from the first party;

receiving requests to purchase raffle tickets from a plurality of buyers over a computer network;...

...donating the proceeds from the raffle tickets to a third party in accordance with the option selection of the first party.

Appellants respectfully submit that Lessin fails to disclose at least the above-identified language of independent claims 1, 13, and 21. As a basis for rejection, the Office Action relies on portions of Lessin which describe a way for contributors to set parameters for which they donate money. For example, Lessin states in relevant part:

Moreover, the present invention provides for contributors setting the parameters for which they will donate the money. Such parameters may include...

if the funding request is for a business, that the Applicant insure that a percentage of the business profits pay for a specific item (e.g., a percentage of the profits be donated to charity, and the like).

Appellants respectfully submit that Lessin teaches a marketplace for the development and reward of human potential in which an Applicant can market their ideas and Contributors can donate money to the Applicants for the pursuit of their ideas. More particularly, Lessin teaches that Contributors can select the conditions under which they

will donate money, one such condition being that the Applicant will donate a percentage of the profits generated from the pursuit of their idea to a charity. Appellants respectfully submit that this is clearly different than the above recited language of independent claims 1, 13, and 21.

For example, independent claim 1 recites “the seller interface includes one or more options to donate at least a portion of funds received in exchange for the one or more goods; and... transferring the portion of the funds for donation *according to an option selection of the seller to a third party designated by the seller...*” Appellants submit that this is clearly different than the above recited teaching of Lessin. Namely, Lessin teaches that the selection regarding the desired distribution of funds is made by the **Contributor**, or the person paying for the service in the case of Lessin. Furthermore, Appellants submit that donating profits for a service to be rendered in the future, as taught by Lessin, is different than donating funds received from goods that have already been sold as recited in independent claim 1.

Appellants respectfully submit that Lessin also fails to teach or suggest at least receiving information from the seller, including a description of certain goods, a method of sale for the certain goods, and an option selection including at least a portion of proceeds for donation and an identity of a third party that will receive proceeds from the sale; and providing financial logistics, including collecting proceeds from a financial service provider designated by the buyer, deducting a fee for use of the system from the proceeds, and transferring the portion of the proceeds for donation according to the option selection of the seller to the third party, as recited by independent claim 13.

Appellants respectfully submit that Lessin also fails to teach or suggest at least providing the first party with one or more options for donating proceeds from the raffle; receiving an option selection from the first party; receiving requests to purchase raffle tickets from a plurality of buyers over a computer network; and donating the proceeds from the raffle tickets to a third party in accordance with the option selection of the first party, as recited by independent claim 21.

In view of the above, Appellants submit that Lessin fails to teach or suggest, each and every element recited in independent claims 1, 13, and 21. Further, there is no explicit or implicit teaching, suggestion, or motivation to modify Lessin to include all of

the recited features of independent claims 1, 13, and 21. In particular, modification of Lessin to include the features recited by independent claims 1, 13, and 21 would be contrary to the explicit teachings and principle of operation of Lessin.

Appellants further submit that Barni, Maritzen, Salls, Nakfoor and Petras also fail to teach, suggest or disclose at least the above recited language of independent claims 1, 13, and 21. Further, Appellants submit that there is no explicit or implicit teaching, suggestion, or motivation to modify Barni, Maritzen, Salls, Nakfoor and/or Petras to include all of the recited features of independent claims 1, 13, and 21.

Therefore, even if the cited references could be combined as set forth in the Office Action, which Appellants do not admit, such proposed combinations still would fail to disclose, teach, or suggest all the features recited in independent claims 1, 13, and 21. Consequently, the cited references are insufficient to render independent claims 1, 13, and 21 obvious under § 103(a) regardless of whether such references are taken alone or in combination with each other.

For at least the foregoing reasons, Appellants submit that amended independent claims 1, 10, and 16 are allowable over the cited references, whether such references are taken alone or in combination with each other.

Accordingly, Appellants respectfully request reconsideration and withdrawal the § 103(a) rejection with respect to independent claims 1, 13, and 21.

Dependent Claims 2-12, 14-20 and 22-35

If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example.

Therefore, Appellants respectfully request reconsideration and withdrawal of the § 103(a) rejection with respect to claims 2-12, 14-20 and 22-35 that depend from independent claims 1, 13 and 21 at least by virtue of their dependency from allowable independent claims as well as on their own merits by virtue of additional recited features that further distinguish these claims from the applied references.

Conclusion

For at least the reasons set forth above, Appellants submit that the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness with respect to claims 1-35. In particular, claims 1-35 recite novel features which are neither taught nor fairly suggested by the cited references. Appellants submit, therefore, that the cited references are insufficient to render claims 1-35 obvious under § 103(a).

Accordingly, Appellants respectfully request the Board to overturn the § 103(a) rejections of claims 1-35.

Respectfully submitted,

KACVINSKY LLC



Robert V. Racunas, Reg. No. 43,027
Under 37 CFR 1.34(a)

Dated: August 20, 2008

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VIII. CLAIMS APPENDIX

1. A system for providing logistics for a sale of one or more goods, the system being adapted to receive information from at least one remote seller and at least one remote buyer, to present a seller interface for receiving information from the seller comprising a seller identity and a description of the one or more goods, to present the buyer with the description of the one or more goods while maintaining the seller identity confidential from the buyer, and to provide financial logistics and shipping logistics for completing the sale of goods, wherein:

the seller interface includes one or more options to donate at least a portion of funds received in exchange for the one or more goods; and

the financial logistics include collecting funds from a financial service provider designated by the buyer, deducting a fee for use of the system from the funds, and transferring the portion of the funds for donation according to an option selection of the seller to a third party designated by the seller, without requiring interaction between the buyer and seller.

2. The system of claim 1 wherein the third party comprises a charitable or nonprofit entity.

3. The system of claim 1 wherein the third party comprises a political action committee.

4. The system of claim 1 wherein the third party comprises a fundraising entity.

5. The system of claim 2 wherein said financial logistics comprises providing said entity with information regarding the seller sufficient to allow the entity to generate an acknowledgement for tax reporting purposes.

6. The system of claim 1 wherein the system is adapted to receive the information over a computer network.

7. The system of claim 6 wherein the financial logistics comprises conducting an auction over the computer network.
8. The system of claim 6 wherein the financial logistics comprises conducting a raffle over the computer network.
9. The system of claim 1 wherein the system is adapted to provide the shipping logistics by use of at least one geography-based and time-based strategy.
10. The system of claim 9 wherein the goods are time-sensitive.
11. The system of claim 10 wherein the goods are event tickets.
12. The system of claim 1 wherein the financial logistics include authorizing an amount of sale on a credit card of the buyer, charging the credit card for the amount of sale, receiving the amount of sale, and transferring at least a portion of the amount of sale to the third party.
13. A method for providing logistics for a sale of one or more goods comprising the steps of:
 - providing a seller with one or more options for donating proceeds from the sale;
 - receiving information from the seller, including a description of certain goods, a method of sale for the certain goods, and an option selection including at least a portion of proceeds for donation and an identity of a third party that will receive proceeds from the sale;
 - presenting the description of the certain goods to a prospective buyer according to the method of sale;
 - conducting the sale over a computer network;
 - providing financial logistics, including collecting proceeds from a financial service provider designated by the buyer, deducting a fee for use of the system from the

proceeds, and transferring the portion of the proceeds for donation according to the option selection of the seller to the third party; and

providing shipping logistics, including arranging for transfer of the one or more goods to the buyer.

14. The method of claim 13 wherein the goods comprise event tickets.

15. The method of claim 14 wherein the third party comprises a charitable or nonprofit entity.

16. The method of claim 14 wherein the third party is a political action committee.

17. The method of claim 14 wherein the third party is a fundraising entity.

18. The method of claim 15 further comprising the step of:
providing the charitable or nonprofit entity with information regarding the seller sufficient to allow the entity to generate an acknowledgement for tax reporting purposes.

19. The method of claim 15 further comprising the step of:
causing an acknowledgement for tax reporting purposes to be provided to the seller.

20. The method of claim 14 wherein said system is adapted to provide said shipping logistics by use of at least one geography-based and time-based strategy.

21. A computerized method for conducting a raffle, comprising the steps of:
receiving information from a first party comprising a description of one or more goods offered for raffle;
providing the first party with one or more options for donating proceeds from the raffle;
receiving an option selection from the first party;

receiving requests to purchase raffle tickets from a plurality of buyers over a computer network;
receiving identification information from the plurality of buyers;
creating a record of the plurality of buyers weighted according to the number of tickets purchased by each buyer;
selecting a winner at random from the record;
notifying the winner; and
donating the proceeds from the raffle tickets to a third party in accordance with the option selection of the first party.

22. The method of claim 21 wherein the winner wins goods provided by the first party.

23. The method of claim 22 wherein the goods comprise event tickets.

24. The method of claim 22 further comprising the steps of:
receiving information from the first party, including the identity of the third party that will receive the proceeds of the raffle; and
presenting information to the plurality of buyers that proceeds from raffle tickets purchased will be donated to the third party.

25. The method of claim 24 wherein the third party is a charitable or nonprofit organization.

26. The method of claim 24 wherein the third party is a political action committee.

27. The method of claim 24 wherein the third party is a fundraising entity.

28. The method of claim 25 further comprising the step of: causing an acknowledgement for tax reporting purposes to be provided to the first party.

29. The method of claim 21 wherein the record is created by entering the plurality of buyers into a spreadsheet.

30. The method of claim 29 wherein each buyer occupies a number of rows in the spreadsheet corresponding to the number of tickets purchased by that buyer.

31. The method of claim 30 wherein the step of selecting a winner comprises generating a random number between one and the total number of tickets sold, and wherein the winner is the buyer occupying the row in the spreadsheet corresponding to the random number.

32. The method of claim 21 wherein the record is created by sequentially assigning numbers to the plurality of buyers based on the number of tickets purchased by each buyer, wherein a winner is selected by generating a random number between one and the total number of tickets sold, and wherein the winner is the buyer corresponding to the random number.

33. The method of claim 21 wherein the winner is notified over the computer network.

34. The method of claim 33 wherein the winner is notified by automatically generating an email to the winner.

35. The method of claim 33 wherein the winner is notified by automatically generating an instant message to the winner.

IX. EVIDENCE APPENDIX

None

X. RELATED PROCEEDINGS APPENDIX

None